

Article - Natural Resources

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§5–403.

(a) If the governing body or the road supervisors of any county of the State, the Department of Transportation, the council of any municipality, or any organization or person applies to the Department to plant, care for, or protect any roadside tree, the Department shall evaluate the application and inform the applicant concerning the advisability of the requested planting, care, or protection. If, in the judgment of the Department, the requested planting, care, or protection is advisable, the Department shall prepare and submit to the applicant a plan for the same, including an estimate of the cost.

(b) Any plan to plant, care for, or protect roadside trees may not become operative until the applicant approves the plan and has guaranteed to the Department the cost of the work. When the applicant approves a plan the Department has prepared, and the applicant has guaranteed payment of the cost in a manner satisfactory to the Department, the Department shall perform, or cause to be performed, the specified planting, care, or protection of roadside trees.

(c) The Department, without being requested as provided in subsection (a) of this section or guaranteed as provided in subsection (b) of this section, may plant, care for, and protect roadside trees and pay for the work out of any unexpended balance of the amount appropriated for the purposes of this subtitle. However, no tree may be planted under the provisions of this section without the consent and approval of the owner of the land on which planted.

(d) Except as provided in subsection (e) of this section, a county or municipality may adopt a local law or ordinance for the planting, care, and protection of roadside trees that is more stringent than the requirements of §§ 5–402 and 5–406 of this subtitle if the local law or ordinance does not conflict with the provisions of §§ 5–402 and 5–406 of this subtitle.

(e) A county or municipality may not adopt a local law or ordinance for the planting, care, and protection of roadside trees that applies to:

(1) The cutting or clearing of public utility rights-of-way or land for electric generating stations licensed under § 7–204, § 7–205, § 7–207, or § 7–208 of the Public Utilities Article, provided that:

(i) Any required certificates of public convenience and necessity have been issued in accordance with § 5–1603(f) of this title; and

(ii) The cutting or clearing of the forest is conducted so as to minimize the loss of forest;

(2) The routine maintenance of public utility rights-of-way; or

(3) The cutting or clearing of public utility rights-of-way or land for new transmission or distribution lines.

(f) A county or municipality that adopts a local law or ordinance in accordance with subsection (d) of this section may issue a stop work order against any person that violates any provision of the local law or ordinance.

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